



South Carolina House of Representatives

# Legislative Update

James H. "Jay" Lucas, Speaker of the House

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## CONTENTS

HOUSE WEEK IN REVIEW .....	02
HOUSE COMMITTEE ACTION .....	05
BILLS INTRODUCED IN THE HOUSE THIS WEEK .....	06

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# HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent the Senate **H.3374**, a bill that replaces the current Local Government Fund and its set funding level of 4.5% of the previous year's state general fund revenues with a new **LOCAL GOVERNMENT REVENUE SHARING FUND** structured to deliver a revenue stream to counties and municipalities that is adjusted according to whether the state is projected to experience revenue growth or shortfall. The legislation discontinues the retrospective approach for funding political subdivisions that is tied to the previous year's revenues and, beginning with Fiscal Year 2017-2018, implements prospective budgeting that draws upon state revenue forecasts. A \$212 million recurring base is established for the Local Government Revenue Sharing Fund and, in a year when state general fund revenue is projected to increase, the revenue sharing fund must be increased by the same percentage as the growth estimate, up to a cap of 5%. When the state experiences revenue shortfalls, the Local Government Revenue Sharing Fund must share in the necessary budget cuts ordered for agencies and other state government functions. The requirements of the Local Government Revenue Sharing Fund must be satisfied before funds are made available for appropriation to other government needs in the budgeting process.

The House amended, approved, and sent the Senate Joint Resolution **H.3014**, a **PROPOSED AMENDMENT TO THE SOUTH CAROLINA CONSTITUTION ON SHORTENING THE LEGISLATIVE SESSION**. The proposed constitutional amendment provides for legislators to begin their annual session one month later by requiring the General Assembly to convene at the State House in Columbia on the second Tuesday in February, rather than January, each year. Authorization is included for legislative committees to meet during the weeks before the new later commencement date to conduct preliminary work in preparation for the session. The proposal also establishes a new constitutional requirement for the General Assembly to adjourn for the year by the last Thursday in May, rather than the first Thursday in June, the current deadline for final adjournment of the annual session that is established in statute. Should the proposed constitutional amendment be approved by the General Assembly, it will be submitted to the state's voters as a ballot question at the next general election.

The House amended, approved, and sent the Senate **H.3722**, legislation that compiles the provisions of the twelve freestanding ethics bills approved by the House this year into a single consolidated **ETHICS REFORM** bill.

The House returned **S.196**, legislation enhancing provisions for **COMBATTING HUMAN TRAFFICKING**, to the Senate with amendments that convert the bill to the provisions that the House approved earlier this year in H.3125. The legislation includes within the jurisdiction of the state grand jury human trafficking offenses that involve more than one county. The legislation provides new requirements for posting National Human Trafficking Resource Center Hotline information that apply to a list of establishments such as adult businesses, massage parlors, hospital emergency rooms, agricultural labor contractors, hotels, motels, airports, train stations, bus stations, rest areas, and truck stops. Penalties are established for failing to comply with the posting requirements.

The House approved and sent the Senate **H.3522**, a bill establishing **PUBLIC NOTICE REQUIREMENTS FOR SAFE HAVENS FOR ABANDONED BABIES** provisions that allow mothers who intend to abandon their infants to leave babies at hospitals, police stations, fire stations, staffed houses of worship, or certain other sites designated as safe settings. The legislation requires a facility, agency, or other location designated as a safe haven to post a notice prepared by the Department of Social Services on its premises that is prominently displayed for view by the public stating that it is a safe haven at which a person may leave an infant.

The House amended, approved, and sent the Senate **H.3251**. In response to a maternal death rate in South Carolina that exceeds the national average, the legislation establishes the **MATERNAL MORBIDITY AND MORTALITY REVIEW COMMITTEE** under the Department of Health and Environmental Control to review maternal deaths and develop strategies for their prevention. Committee members shall serve without compensation or reimbursement for expenses. The committee is set to dissolve after five years, unless reauthorized by law.

The House approved and sent the Senate **H.3324**, a joint resolution establishing a **COMMITTEE TO STUDY STATE AND LOCAL LEVEL VETERANS ISSUES** and make appropriate legislative recommendations for improving the structure, delivery, and coordination of veterans services in South Carolina. The committee is comprised of the members of the Joint Legislative Veterans Issues Study Committee created in 2010 or their successors, three members appointed by the Governor, and three members appointed by the Adjutant General. The committee is charged with studying and evaluating: the current relationships between the county veterans affairs offices and the executive and legislative branches of state government; the relationships between the county veterans affairs offices and the South Carolina Division of Veterans Affairs; and, the relationships between the South Carolina Division of Veterans Affairs and the United States Department of Veterans Affairs. In addition, the committee is tasked with reviewing the current mission of the 2010 Joint Legislative Veterans Issues Study Committee and determining whether its functions should be expanded or codified. The committee must submit a written report of its findings and recommendations to General Assembly and the Governor by February 1, 2016, at which point it is dissolved.

The House approved and sent the Senate **H.3165**, a bill **INCLUDING MOPEDS AMONG THE MOTOR VEHICLES THAT ARE SUBJECT TO DRIVING UNDER THE INFLUENCE OFFENSES** and certain other traffic violations. The legislation revises the definition of "motor vehicle" under the Uniform Act Regulating Traffic on the Highways by removing the specific exemption currently provided for mopeds so that the operator of a moped may be charged with DUI violations and ticketed for certain other traffic offenses.

The House amended **H.3142**, legislation establishing **SAFETY REQUIREMENTS FOR MOPEDS**, and gave the bill second reading approval. The legislation establishes requirements for moped operators and passengers to wear reflective vests and for a moped to be equipped with a rear red tail light that flashes continually while the moped is in motion. The legislation provides that it is unlawful for a person to operate a moped on the public roads in this state that have a speed limit of greater than fifty-five miles per hour. A moped, while traveling along a multi-lane highway, must be operated in the farthest right lane except when making a left turn.

The House returned **H.3118**, legislation relating to the **HUNTING AND TAKING OF WILD TURKEY**, including conservation measures that may be needed to address observed declines in the state's wild turkey population, to the Senate with amendments.

The House approved **S.411** and enrolled the bill for ratification. The legislation designates the month of October of every year as "**ITALIAN AMERICAN HERITAGE MONTH**" in South Carolina in order to recognize Italian Americans for their many contributions to our state and nation.

The House amended, approved, and sent the Senate **H.3305**, legislation **INCLUDING ORAL FLUIDS TESTS AMONG THE ACCEPTED FORMS OF DRUG SCREENING REQUIRED FOR RECEIVING UNEMPLOYMENT BENEFITS**.

The House amended, approved, and sent the Senate **H.3576**, a bill relating to the **STATUS OF A NONPROFIT YOUTH SPORTS ORGANIZATION COACH**. The legislation establishes conditions under which a written agreement between a nonprofit youth sports organization and a coach constitutes conclusive evidence that an independent contractor relationship, rather than an employment relationship, exists between the nonprofit youth sports organization and the coach for purposes of workers' compensation, unemployment insurance coverage, and federal and state income tax withholdings requirements.

The House approved and sent the Senate **H.3464**, legislation updating **LICENSING REQUIREMENTS FOR BARBER SCHOOLS AND SCHOOL INSTRUCTORS** with language that would allow the Department of Labor, Licensing and Regulation to continue to receive Title IV funding from the federal Department of Education for barber schools.

The House approved **S.177**, regarding **CERTIFICATION OF DOMESTIC AND FOREIGN RECORDS**, and enrolled the bill for ratification. The bill amends Rule 902 of South Carolina's Rules of Evidence relating to self-authenticating documents, adding two types of self-authenticating documents (Certified Domestic Records of a Regularly Conducted Activity and Certified Foreign Records of a Regularly Conducted Activity) so that South Carolina conforms to Federal Rule 902.

The House approved **S.397**, legislation providing for the **ALIGNMENT OF STATE INCOME TAX LAWS AND THE FEDERAL INTERNAL REVENUE CODE**, and enrolled the bill for ratification. The legislation updates year references in provisions relating to the application of the federal Internal Revenue Code to state income tax laws.

# HOUSE COMMITTEE ACTION

## JUDICIARY

**H. 3099 REPORTING OF CHILD ABUSE AND NEGLECT** passed as amended.

The bill adds school and college administrators, coaches, firefighters, camp counselors, scout leaders, and other persons who have direct contact with or supervise children as mandated reporters; requires reporting when mandated reporters are acting in a volunteer capacity; and, requires mandated reporters to comply individually with the statutory reporting requirements regardless of employer internal reporting protocols.

**H. 3014 SESSIONS OF THE GENERAL ASSEMBLY** passed with amendment. The bill amends Section 9, Article 3 of the South Carolina Constitution by shortening the session of the General Assembly to be the second Tuesday of February each year to no later than the last Thursday of May each year. The General Assembly may convene for local session and to begin committee meetings or hearings on the second Tuesday of January each year. The question would appear on the next general election ballot.

**H. 3305 DRUG TESTS** passed as amended. The bill amends the disqualification of unemployment benefits statute to include that oral fluids can be provided during a drug test administered on behalf of the employer.

## **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

### **AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS**

**H.3762 ANIMAL TRAPS** Rep. Hayes

In addition to owner's name and address, the legislation includes that a trap may bear its owner's Department of Natural Resources issued customer number.

**H.3786 CATCH LIMITS** Rep. Hayes

This bill provides that it is unlawful to take or possess a tiger shark (*Galeocerdo cuvier*). Any tiger shark that is caught must be released immediately and must remain completely in the water at all times while being released.

**H.3796 WATERCRAFT Rep. Hardee**

The bill provides procedures for the recovery and launching of vessels and watercraft and for the use of access ways and public boat landings.

## **EDUCATION AND PUBLIC WORKS**

**H.3794 DRIVER'S LICENSES Rep. Forrester**

This bill deletes the provision that provides that a five year driver's license must be issued to a person who is at least sixty-five years of age when he renews his license. The bill also deletes the provision that requires a person to submit a vision screening certificate to the Department Of Motor Vehicles during the fifth year of a ten year driver's license and the provision that allows a person who is at least sixty-five years of age to obtain a driver's license that is valid for five years.

**H.3774 "CONSTRUCTION CAREER PATHWAY ACT" Rep. Rivers**

This bill enacts the "Construction Career Pathway Act" to provide a collaborative design of a career pathway for students within the construction industry to connect school districts, technical colleges, vocational schools, junior colleges, and four-year institutions of higher education with adult education programs, local workforce development programs, and regional construction industry partnerships in a manner to allow a student to earn income while progressing along the career pathway.

**H.3775 INCLEMENT WEATHER Rep. Nanney**

This joint resolution provides for the waiver of five or fewer days that schools in the Greenville School District closed in February 2015, due to inclement weather, from the statutory requirement that school days missed due to snow, extreme weather, or other disruptions be made up, and to provide that this requirement does not apply to time missed due to inclement weather from these storms.

## **JUDICIARY**

**H.3745 ETHICS VIOLATIONS Rep. Sottile**

This bill relates to the statutes of limitations for prosecuting certain ethics violations, so as to allow actions to be commenced until four years after a public official, public employee or public member leaves office.

**H.3747 "CALL ME OFFICER LAW ENFORCEMENT SCHOLARSHIP GRANTS PROGRAM" Rep. Jefferson**

This bill enacts the "Call Me Officer Law Enforcement Scholarship Grants Program" to create more inclusive communities by using the unique values of people from diverse backgrounds.

**H.3763 ALCOHOL PERMITS Rep. Horne**

This bill allows the holders of retail beer and wine permit for off-premises consumption whose retail space is at least ten thousand square feet and whose primary product is not beer, wine, or distilled spirits to conduct up to twelve wine tastings in a calendar quarter.

**H.3764 CRIMINAL JUSTICE ACADEMY Rep. Pitts**

This bill provides that the South Carolina Criminal Justice Academy shall have statewide law enforcement authority under certain circumstances and revises the definition of the term "Police Officer" to include commissioned law enforcement personnel of the South Carolina Criminal Justice Academy for the purpose of granting these persons the right to participate in the South Carolina Police Officers Retirement System.

**H.3765 BAIL BONDSMEN Rep. Pitts**

This bill revises certain minimum fees that bail bondsmen and runners may accept.

**H.3766 PROTECTION OF CHILDREN Rep. G. M. Smith**

This bill enacts amendments to the Uniform Interstate Family Support Act adopted by the National Conference of Commissioners for Uniform State Laws in 2008, as required by the federal "Preventing Sex Trafficking and Strengthening Families Act" and includes amendments addressing international recovery of child support and other family maintenance and determination of parentage.

**S.3 CRIMINAL DOMESTIC VIOLENCE Sen. L. Martin**

This bill restructures the criminal domestic violence offenses into degrees and provides penalties; provides that it is unlawful for a person convicted of a criminal domestic violence offense or a person subject to an order of protection for domestic or family violence to ship, transport, or receive a firearm or ammunition; provides that the court must order participation in a domestic violence intervention program and allow a restriction on firearms and ammunition as a condition of bond; provides the necessary definitions and establishes a procedure for the issuance of permanent and emergency civil no-contact orders under certain circumstances, provides for the duration of civil no-contact orders, and provides a penalty for the violation of civil no-contact orders.

**S.485 "STUDY COMMITTEE ON RACIAL PROFILING" Sen. Malloy**

This concurrent resolution creates the "Study Committee on Racial Profiling" to review law enforcement policies, practices, and procedures regarding racial profiling and make a report of recommendations to the General Assembly regarding proposed changes to the laws regarding such policies, practices, and procedures.

**H.3784 MASTERS-IN-EQUITY Rep. Erickson**

This relates to definitions pertaining to the retirement system for judges and solicitors, so as to include masters-in-equity in the definition of "judge".

**H.3798 GREEN TIP AMMUNITION Rep. Gilliard**

This bill provides that it is unlawful for a person to use, transport, manufacture, possess, distribute, sell, or buy green tip ammunition.

**H.3799 CONCEALED WEAPON PERMITS Rep. Hixon**

This provides that South Carolina shall recognize concealed weapon permits issued by Georgia and North Carolina under certain circumstances.

## **LABOR, COMMERCE AND INDUSTRY**

**H.3772 REAPPOINTMENT OF DIRECTORS TO THE BOARD OF THE SOUTH CAROLINA MEDICAL MALPRACTICE INSURANCE JOINT**

**UNDERWRITING ASSOCIATION Rep. Merrill**

This bill revises provisions relating to appointment of directors to the Board of the South Carolina Medical Malpractice Insurance Joint Underwriting Association, so as to provide for the reappointment of directors to successive terms by eliminating a related prohibition.

**H.3785 BUSINESS DEVELOPMENT CORPORATIONS Rep. Sandifer**

This bill revises provisions relating to South Carolina Business Development Corporations so as to further provide for the manner in which these corporations are organized, regulated, and permitted to operate.

**H.3788 MOTOR VEHICLE EXPRESS WARRANTIES Rep. Funderburk**

This bill revises the definitions of the terms “motor vehicle” and a “new motor vehicle” in provisions governing the enforcement of motor vehicle express warranties to include motorcycles and certain other motorcycle three-wheel vehicles.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.3743 COUNTY LEGISLATIVE DELEGATION Rep. King**

The bill requires county councils to provide office space and appropriations for the operation of the county legislative delegation office including compensation for staff personnel and necessary office supplies and equipment.

**H.3776 COUNTY VETERANS AFFAIRS OFFICERS Rep. Hardee**

The bill provides that a county veterans affairs officer serves at the will of the county legislative delegation.

## **WAYS AND MEANS**

**H.3744 PROPERTY TAX EXEMPTION FOR DONATIONS FOR  
TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS Rep.**

**Crosby**

This bill establishes a property tax exemption for a taxpayer who agrees to donate an amount equal to the amount otherwise due for ad valorem taxes to either the State Highway Fund or to a county transportation committee, to be used exclusively for improving roads and mass transit projects.

**H.3746 BANK OVERDRAFT FEES DEVOTED TO THE STATE HIGHWAY  
FUND Rep. King**

This bill provides that if any bank, banking association, or trust company chartered and engaged in the banking business under the laws of this state charges an overdraft fee or a fee for insufficient funds, then the institution must remit the fees to the State Treasurer to be credited to the State Highway Fund.

**H.3767 CHILDCARE FACILITIES AND PROGRAMS Rep. White**



This bill prohibits the levy of certain property taxes on real property owned or leased to certain childcare providers. The legislation revises the definition of terms used in the regulation of childcare facilities, so as to clarify the types of daytime programs and day camps to which the definition applies. The legislation prohibits use of ABC vouchers by certain childcare facilities and requires the General Assembly to appropriate funds annually. The legislation provides for licensing and approval requirements for private childcare centers and group childcare homes.

**H.3768 “SOUTH CAROLINA ABLE SAVINGS PROGRAM” Rep. G. M. Smith**

This bill enacts the “South Carolina ABLE Savings Program” to establish savings accounts as a means of empowering individuals with a disability and their families to save private funds to support the individual with a disability. The legislation establishes the Savings Program Trust Fund and Savings Expense Trust Fund and provides guidelines to the State Treasurer for the maintenance of these accounts.

**H.3773 “SOUTH CAROLINA NATURAL GAS PIPELINES INITIATIVE ACT”  
Rep. Rivers**

This bill enacts the “South Carolina Natural Gas Pipelines Initiative Act” to authorize the Department of Revenue to enter into an agreement establishing the allocation and apportionment of the income of a taxpayer that builds or expands a natural gas pipeline and invests at least ten million dollars. The legislation establishes a state sales tax exemption for building materials necessary to build or expand natural gas pipelines in this state.

**H.3795 PROFESSIONAL EMPLOYER ORGANIZATIONS Rep. Gambrell**

This bill provides for the determination of tax credits and economic incentives based on employment with respect to client companies of professional employer organizations. The legislation revises provisions relating to the ability of the Department of Insurance to provide by regulation for the acceptance of affidavit or certification of approval of qualified assurance organizations, so as to eliminate the requirement that these functions be provided by regulation. The legislation revises provisions relating to the requirements of professional employment organization services agreements between professional employer organizations and assigned employees, so as to eliminate the requirement that terms must be established by written contract, and instead to provide organizations only shall provide assigned employees with written notice of how the agreement affects them. The legislation revises provisions relating to the requirements of professional employment organization services agreements between professional employer organizations and client companies, so as to clarify that the terms of the agreement must be established by written contract. The legislation prohibits professional employer organizations from engaging in the sale of insurance or acting as third party administrators. The legislation provides that the sponsoring and maintaining of employee benefit plans for the benefit of assigned employees does not constitute the sale of insurance. The legislation eliminates certain provisions relating to continuing professional education.

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